

BEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH

---oo0oo---

IN THE MATTER OF THE BOARD	:	NOTICE OF HEARING
ORDER TO SHOW CAUSE RE:	:	
POTENTIAL PATTERN OF	:	DOCKET NO. 92-041
VIOLATIONS, INCLUDING	:	CAUSE NO. ACT/015/025
NOTICES OF VIOLATION	:	
N91-35-1-1 AND N91-26-7-1(#2),	:	
CO-OP MINING COMPANY, BEAR	:	
CANYON MINE, ACT/015/025,	:	
EMERY COUNTY, UTAH	:	

---oo0oo---

THE STATE OF UTAH TO ALL PERSONS INTERESTED IN THE ABOVE ENTITLED MATTER.

Notice is hereby given that the Board of Oil, Gas and Mining, State of Utah, will conduct an evidentiary hearing before the Board's Hearing Examiner and such other members of the Board as may be present, on Friday, December 18, 1992, at 10:00 a.m., in the Boardroom of the Division of Oil, Gas and Mining, 355 West North Temple, 3 Triad Center, Suite 520, Salt Lake City, Utah.

The hearing will be conducted in accordance with Utah Code Ann. § 40-10-1 et seq. (1953, as amended), Utah Code Ann. § 63-46b-1 et seq. (1953, as amended), and the Procedural Rules of the Board.

The purpose of the proceeding will be for the Board to receive and consider testimony and evidence regarding the res judicata effect of the finalized NOV's and assessments as the basis for the introduction of any evidence concerning the fact of violation or the assessment of negligence penalty points as a collateral attack.

Natural persons may appear and represent themselves before the Board. All other representation by parties before the Board will be by attorneys licensed to practice law in the State of Utah or attorneys licensed to practice law in another jurisdiction which meet the rules of the Utah State Bar for practicing law before the Utah Courts.

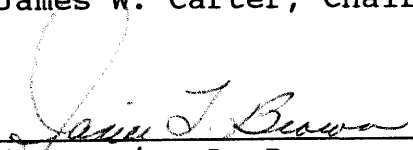
Pursuant to the Americans with Disabilities Act, persons requiring auxiliary communicative aids and services to enable them to participate in this hearing should call Janice L. Brown at 538-5340, at least three working days prior to the hearing date.

Page 2  
Docket No. 92-041  
Notice of Hearing

Persons interested in this matter may participate pursuant to the Procedural Rules of the Board. The Order to Show Cause, and any subsequent pleadings may be inspected in the office of the undersigned.

DATED this 9<sup>th</sup> day of November, 1992.

STATE OF UTAH  
BOARD OF OIL, GAS AND MINING  
James W. Carter, Chairman

  
\_\_\_\_\_  
/s/ Janice L. Brown  
Secretary of the Board  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
(801) 538-5340

# CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing STIPULATION, ORDER and NOTICE OF HEARING in Docket No. 92-042, Cause No. ACT/015/025 to be mailed by certified mail, postage prepaid, on the 9<sup>th</sup> day of November, 1992, to the following:

Carl Kingston, Esq.  
Attorney for Co-Op  
53 West Angelo Avenue  
P.O. Box 15809  
Salt Lake City, Utah 84115

Wendell Owen  
Co-Op Mining Company  
P.O. Box 1245  
Huntington, Utah 84528

Eldon Kingston  
Co-Op Mining Company  
P.O. Box 1245  
Huntington, Utah 84528

Kimly Mangum  
Mangum Engineering  
388 East Boynton Road  
Kaysville, Utah 84037

DOGM LJ 92-042/ACT-015-025

P 074 975

RECEIPT FOR CERTIFIED MAIL  
NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

CARL KINGSTON ESQ  
ATTORNEY FOR CO-OP  
DOGM LJ 92-042/ACT

SENDER: Complete Items 3 and 4.  
Put your address in the "RETURN" card from being returned to you. To and the date of delivery. For add for fees and check box(es) for add  
1. ☐ Show to whom delivered, c

3. Article Addressed to:  
CARL KINGSTON ESQ  
ATTORNEY FOR CO-OP  
53 WEST ANGELO AV  
P O BOX 15809  
SALT LAKE CITY UT

5. Signature - Address  
X  
6. Signature - Agent  
X  
7. Date of Delivery  
11/25/92

PS Form 3811, Mar. 1988

DOGM LJ 92-042/ACT  
P 074 975

RECEIPT FOR CERTIFIED MAIL  
NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

SENDER: Complete Items 3 and 4.

Put your address in the "RETURN" card from being returned to you. To and the date of delivery. For add for fees and check box(es) for add  
1. ☐ Show to whom delivered, c

3. Article Addressed to:  
KIMLY MANGUM  
MANGUM ENGINEERING  
388 EAST BOYNTON  
KAYSVILLE UT 84

5. Signature - Address  
X  
6. Signature - Agent  
X  
7. Date of Delivery  
11/25/92

PS Form 3811, Mar. 1988

DOGM LJ 92-042/ACT  
P 074 975 2

RECEIPT FOR CERTIFIED MAIL  
NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

DOGM LJ 92-042/ACT

SENDER: Complete Items 3 and 4.  
Put your address in the "RETURN" card from being returned to you. To and the date of delivery. For add for fees and check box(es) for add  
1. ☐ Show to whom delivered, c

3. Article Addressed to:  
WENDELL OWEN  
CO-OP MINING CO  
P O BOX 1245  
HUNTINGTON UT 8452

5. Signature - Address  
X  
6. Signature - Agent  
X  
7. Date of Delivery  
NOV 14 1992

PS Form 3811, Mar. 1988 \* U.

DOGM LJ 92-042/ACT-015-025  
P 074 975 204

RECEIPT FOR CERTIFIED MAIL  
NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

SENDER: ELDON KINGSTON	
CO-OP MINING CO	
Street and No.	
P O BOX 1245	
P.O. State and ZIP Code	
HUNTINGTON UT 84528	
Postage	\$ 5.00
Certified Fee	1.00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	1.00
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 7.00
Postmark or Date	

UNITED STATES OFFICIAL PS Form 3800, June 1985

SENDER IN  
Print your name, c  
in the space below  
• Complete items  
reverse.  
• Attach to front  
permits, other  
article.  
• Endorse article  
Requested" ad

RETURN TO



```
*****
*
*          **  TRANSMIT CONFIRMATION REPORT  **
*
*      Journal No.   :   006
*      Receiver      :
*      Transmitter    :   DIV OIL GAS & MINING
*      Date           :   Oct  1,92 14:42
*      Document       :   04 pages
*      Time           :   02'26"
*      Mode           :   G3 NORMAL
*      Result         :   OK
*
*****
```



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter

Governor

Dee C. Hansen

Executive Director

Dianne R. Nielson, Ph.D.

Division Director

355 West North Temple

3 Triad Center, Suite 350

Salt Lake City, Utah 84180-1203

801-538-5340

## UTAH DIVISION OF OIL, GAS AND MINING FACSIMILE TRANSMISSION COVER SHEET

DATE:

October 1, 1992

FAX #

237-2776

ATTN:

Legal Ads

COMPANY

Newspaper Agency

FROM:

Lynda Jensen

DEPARTMENT:

Division of Oil, Gas & Mining

NUMBER OF PAGES BEING SENT (INCLUDING THIS ONE): 4

If you do not receive all of the pages, or if they are illegible, please call (801) 538-5340.

We are sending from a Murata facsimile Machine. Our telecopier number is (801) 359-3940.

MESSAGES:

Hard copy will be mailed.



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter  
Governor

Dee C. Hansen  
Executive Director

Dianne R. Nielson, Ph.D.  
Division Director

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340

October 1, 1992

Newspaper Agency  
Legal Desk  
P.O. Box 45848  
Salt Lake City, Utah 84145

To Whom It May Concern:

Re: Notice of Hearing - Docket No. 92-041, Cause No. ACT/015/025

Enclosed is a Notice of Hearing before the Board of Oil, Gas and Mining, Department of Natural Resources, State of Utah.

It is requested that this notice be published ONCE ONLY, no later than Wednesday, October 7, 1992. In the event that said notice cannot be published by this date, please notify me immediately by calling 538-5340.

Upon completion of this request, please send proof of publication and statement of cost to the Division of Oil, Gas and Mining, 355 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, UT 84180-1203.

Sincerely,

Lynda S. Jenson  
Administrative Secretary

lsj  
Enclosures

FYF  
Jan

**SS.**

**County of Emery,)**

I, Dan Stockburger, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, State and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for One (1) consecutive issues, and that the first publication was on the

6th day of October, 1992

and that the last publication of such notice was in the issue of  
such newspaper dated the

.....day of....., 19.....

*John H. Mendenhall*

Subscribed and sworn to before me this

6th day of October, 1992

*Teri L. Sharp*  
.....  
Notary Public

**My Commission expires January 10, 1995**

**Residing at Price, Utah**

Publication fee, \$.....42.40.....

REPORTED TO THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH

OFFICE OF HEARING  
ON ORDER TO SHOW CAUSE  
DOCKET NO. 53-01  
CASE NO. 53-01  
IN THE MATTER OF THE POTENTIAL FARMERS COMPANY  
INCLUDING NOTICE OF VIOLATION RE: S-1, ENVIRONMENTAL  
(42) CO-OP MINING COMPANY, BEAR CANYON MINE  
ACQUISITION, EMERY COUNTY, UTAH  
STATE OF UTAH TO ALL PERSONS INTERESTED IN THIS  
MATTER INVOLVED HEREIN

Notice is hereby given that the Board of Oil, Gas and Mining of the State of Utah, will hear the case of the above named parties at 10:00 a.m., or as soon thereafter as possible, at the Board's Office, Division of Oil, Gas and Mining, 305 West North Temple, Salt Lake City, Suite 530, Salt Lake City, Utah.

The hearing will be conducted in accordance with Rule 40-10-1 at sec. (2)(3) of the Utah Code, as amended, and the Rules of Procedure of the Board.

Pursuant to the Board's Order to Show Cause, dated October 13, 1992, the parties to this proceeding will be the Board, the parties named and testimony and to consider whether they should suspend Co-op Mining Company's permit to conduct mining operations at the Bear Canyon Mine, and the Board's Order under Utah Admin. Rule 40-10-1, et al., of a permanent injunction determined by the Board of Oil, Gas and Mining in a Finding, Conclusion and Order, dated July 2, 1992.

Persons interested in this case may appear and present evidence and testimony to the Board at the hearing. Persons who are not licensed or otherwise lawfully in another jurisdiction which may conflict with the Utah State Bar for practicing law before the Board.

Pursuant to the American with Disabilities Act, persons requiring auxiliary communication services to enable them to participate in this hearing should call Jennifer L. Brown at 538-5344, giving her at least three working days notice prior to the hearing date.

Persons interested in submitting any pertinent comments to the Procedural Rules of the Board, the Board's Findings, Conclusions and Order, Board Order to Show Cause, and any subsequent proceedings may be inspected in the files of the undersigned.

Dated this 1st day of October, 1992.

STATE OF UTAH  
BOARD OF OIL, GAS AND MINING  
James W. Carter, Chairman  
1 Third Floor, Suite 530  
Salt Lake City, Utah 84103  
(801) 538-5344

Published in the Emery County Record, October 1, 1992.

COPY



```
*****
*
*          ** TRANSMIT CONFIRMATION REPORT **
*
*      Journal No.   : 005
*      Receiver      : 8016370732
*      Transmitter   : DIV OIL GAS & MINING
*      Date          : Oct 1,92 14:38
*      Document      : 04 pages
*      Time          : 02'31"
*      Mode          : G3 NORMAL
*      Result        : OK
*
*****
```



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter  
Governor  
Dee C. Hansen  
Executive Director  
Dianne R. Nielson, Ph.D.  
Division Director

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340

## UTAH DIVISION OF OIL, GAS AND MINING FACSIMILE TRANSMISSION COVER SHEET

DATE:

Oct 1, 1992

FAX #

1-637-2716

ATTN:

Legal Ads

COMPANY

Emery County Progress

FROM:

Synda Jensen

DEPARTMENT:

Division of Oil, Gas & Mining

NUMBER OF PAGES BEING SENT (INCLUDING THIS ONE):

4

If you do not receive all of the pages, or if they are illegible, please call (801) 538-5340.

We are sending from a Murata facsimile Machine. Our telecopier number is (801) 359-3940.

MESSAGES:

Hard copy will be mailed.



Norman H. Bangerter  
Governor  
Dee C. Hansen  
Executive Director  
Dianne R. Nielson, Ph.D.  
Division Director

# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340

October 1, 1992

Emery County Progress  
76 West Main Street  
Price, Utah 84501

To Whom It May Concern:

Re: Notice of Hearing - Docket No. 92-041, Cause No. ACT/015/025

Enclosed is a Notice of Hearing before the Board of Oil, Gas and Mining, Department of Natural Resources, State of Utah.

It is requested that this notice be published ONCE ONLY, no later than Tuesday, October 6, 1992. In the event that said notice cannot be published by this date, please notify me immediately by calling 538-5340.

Upon completion of this request, please send proof of publication and statement of cost to the Division of Oil, Gas and Mining, 355 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, UT 84180-1203.

Sincerely,

Lynda S. Jenson  
Administrative Secretary

lsj  
Enclosures